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September 2, 2025

File Number: 57TS-400906

VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Sheila Simmons, et al. v. SUNco Solar, et al., Case No. 24-cv-07129-BMC

Dear Judge Cogan:

We represent Defendants Solar Mosaic LLC (“Mosaic”)¹ and WebBank in the above-referenced action. We write on behalf of WebBank in response to the Court’s Order of August 28, 2025, *sua sponte* advancing the bench trial in this matter previously scheduled for September 30, 2025 to September 18, 2025, with subsequent trial days set for September 29, 2025 and September 30, 2025, to respectfully request the Court set a scheduling conference to discuss the trial schedule.

As discussed during the pre-trial conference on July 28, 2025, trial counsel for WebBank, Sophia Cahill, is currently on maternity leave. She is set to return to work at the end of September and intended to appear as lead trial counsel for WebBank at the September 30, 2025 bench trial. Ms. Cahill is unavailable for trial on September 18, 2025, as she will still be on leave. Furthermore, we conferred via email with counsel for Plaintiffs regarding the Court’s order and Leslie Salzman informed us that she is leaving the country for vacation today, and returning shortly before September 18, 2025. We further conferred with counsel for SUNco Solar, David Loglisci, and learned Mr. Loglisci is unavailable on September 29, 2025, as he is set for trial in another matter on that date. Additionally, Mr. Loglisci has advised that SUNco Solar witness, Gary Lamb, will now be out of the country from the end of this month through October 6, 2025.

In light of the above mutual challenges with the trial dates set via the Court’s order, and not previously discussed with counsel, we respectfully request the Court set a scheduling conference to discuss trial dates and select three dates mutually available to the parties and witnesses, likely in October. Counsel for WebBank and SUNco Solar are generally available the week of October 13, subject to witness availability which we will obtain prior to appearing for a scheduling conference with the Court.

¹ Mosaic’s Chapter 11 bankruptcy case, being jointly administered under *In re Mosaic Sustainable Finance Corporation*, Case No. 25-90156 (Bankr. S.D. Tex. (Hou.)), remains ongoing. On June 10, 2025, the Court ordered this action stayed as to Mosaic pursuant to 11 U.S.C. § 362 (Dkt. No. 49), and the automatic stay remains in effect.

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Counsel would appreciate the opportunity to discuss the trial date and scheduling considerations with the Court.

Thank you for your consideration.

Sincerely,



Robert J. Guite
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: counsel of record via ECF